

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
November 4, 2009**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:01 PM, Wednesday, November 4, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Chairwoman Baker. Present were Commissioners Ken Keller, William Woodhouse, Pete Palmer, Jed Selby, Town Planner Shannon Haydin, Town Administrator Sue Boyd, Town Engineer Rachel Friedman and Deputy Town Clerk Jennifer Dixon.

ROLL CALL

Deputy Town Clerk Dixon proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Chairwoman Baker led in the Pledge of Allegiance.

AGENDA ADOPTION

Chairwoman Baker called for amendments to the agenda. There were none. **Motion #1** by Commissioner Woodhouse, seconded by Commissioner Keller, to adopt the agenda as presented. Motion carried.

Approval of the Minutes

Chairwoman Baker called for approval of the October 21, 2009 minutes there was a clarification needed at the bottom of page 1 to read "...asked everyone on the board to give their assurance..." and delete "clarify requested everyone and to" Commissioner Palmer stated at the middle of page 4 after motion #5 add "motion carried." **Motion #2** by Commissioner Palmer, seconded by Commissioner Woodhouse, to adopt the minutes as amended. Motion carried.

PUBLIC COMMENT

Chairwoman Baker opened the public comment portion of the hearing at 6:04 PM.
With no other comments received, the public comment portion of the hearing was closed at 6:04 PM.

RESPONSE TO PUBLIC COMMENT

None

NEW BUSINESS

**A. The Villages at Cottonwood Meadows –Agriculture Zoning District
Amendment to PUD**

Planner Haydin presented the staff report regarding the Agricultural Zoning District Amendment to PUD. The Agriculture District is intended to provide for all agricultural, farming, ranching, and other uses to accommodate the local economy and scenic beauty of the Property until development takes place.

Permitted Uses:

- (a) Agricultural Activities.
- (b) Greenhouses and nurseries
- (c) Residential housing used for agriculture purposes.
- (d) Dairies, poultry and egg production, hatcheries and fish culture.
- (e) Barns, sheds, and shelters necessary for the operation of agriculture
- (f) Living quarters for agricultural employees
- (g) Hunting with bow and arrow, black powder and air rifles.

Special Uses:

None

Temporary Uses:

None

After a detailed discussion the following motion was made.

Motion #3 by Commissioner Woodhouse, seconded by Commissioner Palmer to recommend approval to the Board of Trustees of the change to the PUD Regulating Code with the deletion of item "G" from permitted uses. Motion carried.

B. Cottonwood Meadows Metro District Service Plan

The Colorado Revised Statutes set forth the criteria to be considered for approval of a new special district. The criteria and staff's opinion regarding compliance are as follows:

- (a) There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district. *The projected population of this project is such that the Town does not currently have the ability to serve the anticipated build-out population.*
- (b) The existing service in the area to be served by the proposed special district is inadequate for present and projected needs. *The areas to be served are not currently served by a municipal water supply.*
- (c) The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundary. *Additional detailed engineering information is required to fully evaluate whether this criteria is met. Staff proposes conditions attached to the approval of this Plan that will address this concern.*
- (d) The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis. *Additional detailed financial information is required to fully evaluate whether this criteria is met. Staff proposes conditions attached to the approval of this Plan that will address this concern.*

Staff recommends the following:

Approve the Water Service Plan as presented with the following conditions:

1. Prior to execution of an agreement with the Upper Arkansas Water Conservation District (UAWCD), an updated calculation of water demand, acceptable to the Town, for all proposed use of water, including raw water for irrigation, at full build-out of all phases of proposed development at the Meadows at Buena Vista. In addition to all proposed residential, commercial, and agricultural uses, updated demand calculations must account for the potential use of water in accessory dwelling units (ADUs), parks, open space, ponds, civic facilities, and any change of use (e.g. the addition of a golf course) that may be contemplated for water service through the Cottonwood Meadows Metropolitan District in the future.

2. Evidence of a firm commitment of water, including adequate engineering detail, through the acquisition of water rights and/or a fully executed agreement with the UAWCD committing augmentation water that is safe, sufficient, and reliable to cover all projected needs for water at full build-out as described above.

3. Engineering detail, acceptable to the Town, assuring with reasonable certainty the availability of a sufficient supply of water from any proposed well or other wet water source to meet projected needs for wet water as described above. Such engineering detail shall also demonstrate, to the Town's satisfaction, that any use of water from any well or other wet water source shall not cause injury to the Town's decreed water supply on Cottonwood Creek.

4. Engineering detail, acceptable to the Town, demonstrating the ability of the Cottonwood Meadows Metropolitan District to deliver safe, sufficient, and reliable water to all phases of the Meadows at Buena Vista development, including proposed parks, open space, ponds, civic sites, and other amenities that may or may not be dedicated to the Town in the future, through treatment facilities and in lines constructed to Town standards and to applicable Colorado Department of Public Health regulations for the purposes of, including but not limited to, meeting fire flow and hydrant requirements and preparing for the possible shared use of the Town's water service lines.

5. An updated fiscal analysis, acceptable to the Town, that is based on updated growth projections and updated development and operating costs (consistent with engineering details required above) and that also demonstrates financial ability of the Cottonwood Meadows Metropolitan District to provide economical and sufficient service to the area within its proposed boundary and to discharge proposed indebtedness on a reasonable basis.

6. District boundaries cannot be changed (to provide water to a lot or lots outside of The Villages at Cottonwood Meadows) without town approval.

After a lengthy discussion the following motion was made.

Motion #4 by Commissioner Selby, seconded by Commissioner Woodhouse to recommend approval to the Board of Trustees approval of the Water Service Plan for the Villages of Cottonwood Meadows with the conditions six conditions mentioned above. Motion carried.

Break was at 7:25 return 7:28

C. Parking Requirements in Downtown Core Area

Planner Haydin presented the following analysis:

In order to better understand need, staff used GIS to identify all parcels on Main Street from Railroad Avenue to Court Street. The County Assessor's data were used to obtain the gross floor area of all of the buildings on this section of East Main Street. Where there were apartments, it was assumed that each apartment was 900 square feet and a one-bedroom unit. Using this assumption, it was determined that there were approximately 10 apartment units on East Main Street. Staff decided that this was a fair estimate that would not dramatically alter the total number of units on East Main Street. Using these assumptions, staff has calculated the following:

Total Gross Floor Area of Commercial, Retail, and Office Uses = 101,895

Total Apartment Units = 10

Total Parking Needed = 264 spaces

Total Parking Currently Available= 342 spaces

Current Parking Available:

On-Street within one block of Main Street from Railroad to Court = 190
860 linear feet on Cedar from Railroad to Court = 43 spaces x 2 = 86
260 linear feet on Colorado from Main to Cedar = 12 spaces x 2 = 24
260 linear feet on Court from Main to Cedar = 12 spaces x 2 = 24
300 linear feet on Colorado from Main to Chestnut = 14 spaces x 2 = 28
300 linear feet on Court from Main to Chestnut = 14 spaces x 2 = 28

On-Street on E Main Street = 106 spaces

Current Off-Street Parking = 46

*These figures are approximate using GIS to determine the square footage of the space available for parking divided by a standard 9 x 18 stall with a 23 foot wide drive aisle which equals 300 square feet per stall.

Based on the analysis it appears that there is sufficient parking within one block of East Main Street to accommodate the businesses located there. Staff would recommend that the Planning & Zoning Commission recommend to the Board of Trustees a "parking requirement freeze" for one year. That would allow businesses to locate downtown while the Town determines the appropriate approach to address parking in the downtown area. It is important to note that the Town will need to be aggressive in finding a solution to the parking issue. At the end of a "freeze" the Town should not inadvertently cause unintended inequities by simply re-instituting the parking requirement. The concern that needs to be addressed prior to discontinuing the freeze is elimination of disincentives for businesses to locate downtown.

After discussion regarding if there should be a freeze on parking requirements downtown or eliminate them all together the following motion was made.

Motion #5 by Commissioner Palmer, seconded by Commissioner Woodhouse to recommend approval to the Board of Trustees that to incentivize business development in the downtown core area a moratorium of parking requirement be placed for a period of one year or longer to allow time to evaluate solutions to address parking needs. **Motion carried.**

OLD BUSINESS

A. Building Separation in the B-1, B-2, and I-1 Zone Districts

Planner Haydin presented the following analysis regarding Building Separation in the B-1, B-2, and I-1 Districts:

Staff has worked closely with Bill Paradise, Chief Building Official for Chaffee County to develop language that addresses the building separation concern and is acceptable to the County. The County has asked that this change to the Building Code **ONLY** apply to residential structures. Therefore, changes to the Building Code regarding setbacks would only be applicable in the B-1 and B-2 OT zone districts, as residential uses are not allowed in the I-1 zone districts. The 0 foot setback still applies in the B-1, B-2, and I-1 zone districts. The following language was suggested by Mr. Paradise:

Section 18-22 of the Buena Vista Municipal Code should be amended as follows: the addition of a new subsection (b) (33) to read as follows.

Section R302.1 Exterior Walls is amended so the provision reads as follows:

"R302.1 Exterior Walls. Exterior walls with a fire separation distance less than 3 feet (914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projections:

1. At a point one-third the distance to the property line from an assumed vertical plane located where protected openings are required.

2. More than 12 inches (305 mm) into areas where openings are prohibited.

Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

Exception: tool and storage sheds, playhouses and similar structures exempted from permits by Section 105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line."

Section 18-22 of the Buena Vista Municipal Code is should be amended as follows: the addition of a new subsection (b) (34) to read as follows.

"Section R302.2 Openings is amended so the provision reads as follows:

Openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance of not less than 3 feet (914 mm). This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.

2. Foundation vents installed in compliance with this code are permitted."

Section 18-22 of the Buena Vista Municipal Code should be amended as follows: the addition of a new subsection (b) (35) to read as follow:

"Section R302.3 Penetrations is amended so the provision reads as follows: Penetrations located in the exterior wall of a dwelling with a fire separation distance less than 3 feet (914 mm) shall be protected in accordance with Section 321.3.

Exception: Penetrations shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance."

Commissioner Selby recused himself from the vote.

Motion #6 by Commissioner Woodhouse, seconded by Commissioner Keller to recommend approval to the Board of Trustees an ordinance that changes the Building Code as outlined above and removes redundant text in Chapter 18 if any. **Motion carried.** Commissioner Selby abstained.

CHAFFEE COUNTY REPORT

Nothing at this time

STAFF REPORT

Please attend the public hearing on Tuesday November 10 for the Meadows. Also in line with what we discussed tonight the public input meetings come forward for the sales tax issues certainly attend to give your input.

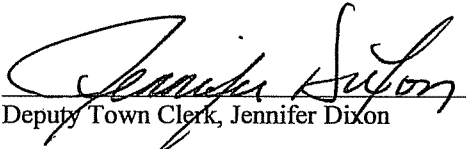
ADJOURNMENT

Motion # 7 by Commissioner Selby, seconded by Commissioner Keller, noting that there being no further business to come before the Board declared that the meeting be adjourned at 8:28 PM. Motion carried.

Respectfully submitted:



Evelyn Baker, Chairwoman



Deputy Town Clerk, Jennifer Dixon